

**IN THE FEDERAL DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
CIVIL DIVISION**

**MARY JONES and;  
JOSEPH ALFORD**

**Plaintiffs,**

**HOUSTON COUNTY, ALABAMA;et.al.,**

**Defendants.**

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) **Case No.: 1:06-cv-585**  
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**PLAINTIFFS RESPONSE TO DEFENDANT FLATHMANN'S  
SECOND MOTION TO QUASH AND MOTION TO DISMISS**

**COME NOW**, Plaintiffs, by and through the undersigned counsel of record and make this their Response to Defendant Flathmann's Motion to Quash and Motion to Dismiss (Doc#11) and state as follows;

1. On or about April 03, 2007 the undersigned counsel associated the services of Brown Legal Process, North Charleston, S.C. for the purpose of process of service on Defendant Thomas M. Flathmann in the above styled cause of action.
2. A return on service was subsequently filed with this Clerk of this Honorable Court indicating that service upon Defendant Flathmann was accomplished.
3. As is consistently evident by the note received from Raymond Brown, Brown's Legal Process, and the Return on Service, Defendant Flathmann was served at 626 Bridlewood Lane, Mt. Pleasant, S.C. (Please see Plaintiffs' "Exhibit 1", Letter From Raymond Brown, and attached hereto).
4. Defendant Flathmann's address as registered in the Charleston County Tax System, S.C., Motor Vehicle Detail indicates that at the time of service Defendant Flathmann obviously used the 626 Bridlewood Lane as his home address, at least

for purposes of registering his vehicle. (Please see Plaintiffs' "Exhibit 2", Charleston County Online Tax Record, attached hereto.)

5. For purposes of clarification and correctness the undersigned counsel this date searched the same Charleston County Tax System database for motor vehicle registration of Defendant Thomas M. Flathmann and found the identical information as previously averred by Raymond Brown of Brown's Legal Process. Further, that information revealed yet again that Defendant Thomas M. Flathmann's mailing address is 626 Bridlewood Lane, Mt. Pleasant, S.C., the same location where service was left with Defendant's father.
6. Unquestionably Defendant Flathmann has been properly served and his latest challenge is merely another desperate attempt to avoid litigation of the above styled cause of action.
7. Apparently telephone communication was not successful with Defendant's Counsel inasmuch as the Plaintiffs are required, yet again, to respond to a less than remarkable standing on the issue of proper service of Defendant Flathmann.
8. Most remarkable is the nature of the issues instantly and the irony with which they evolve. Plaintiffs were violated in the seemingly secure bounds of their home under the cover of darkness by masked men and or women whose identity has been and continues to be withheld and most egregious is the fact that the only identified violator seeks cover through disingenuous disguise of address.
9. Plaintiffs have properly served Defendant Flathmann at his registered mailing address which happened to be a dwelling where his own father indicated Defendant Flathmann resided.

**WHEREFORE PREMISES CONSIDERED**, Plaintiffs, by and through the undersigned counsel respectfully pray this Honorable Court to dismiss the instant Motion to Quash and Motion to Dismiss, further, to enter Default Judgment as against Defendant Flathmann and set the above styled cause for a hearing on damages at a time most convenient for this Honorable Court.

**RESPECTFULLY SUBMITTED** this the 27<sup>th</sup> day of August, 2007.

s/ Michael Guy Holton  
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**CERTIFICATE OF SERVICE**

I do hereby certify that I have served a copy of the foregoing this the 27<sup>th</sup> day of August, 2007 by electronically filing same with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below listed counsel:

Gary C. Sherrer, Esq.  
Sherrer, Jones, & Terry P.C.  
335 West Main Street  
Dothan, Alabama 36301

Kendrick E. Webb, Esq.  
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P.O. Box 240909  
Montgomery, Alabama 36124-0909

s/ Michael Guy Holton  
OF COUNSEL

Plaintiffs' Ex. 1

On 4-3-07 I received papers from Att Guy Holton in Ala. on a Thomas M Flathmann. A possible address was 1272 Old Colony Dr Mt Pleasant, SC. I did a property search on the Charleston County Web site for any property in the defendants name. I found the address of 626 Brailewood Dr Mt Pleasant with a vehicle registered to a Thomas M Flathmann. I was unable to locate Brailewood on any maps in Charleston County or Mt Pleasant. I contacted the police and they gave me Bridlewood Ln off of Whipple Road.

On 4-4-07 I went to the residence on Bridlewood Ln and met with a white male later identified as John Sigler in the front yard on the cell phone. I made contact and stated that I was trying to locate a Thomas M Flathmann. He stated that was his son but he wasn't there. I asked if he lived there and he stated yes but he was in Dothan Ala. at the Houston County Sheriffs Office getting recertified on the pistol range so he can keep his certification up. The gentleman asked me what I need Thomas for and I told him that I had some papers for him from a lawyer in ala. The gentleman then called Mr Flathmann on the cell phone and told him that I was there to give him some papers. Mr Sigler gave me the cell phone and I explained to him that I had some papers for him from a lawyer out of ala. He wanted to know what they were for and I told him they were civil papers. I asked him if he was going to be back in town over the week end and he stated no that he was going to new york and Ohio. I told him ok and stated that I would contact the lawyer and see if it was ok to leave the papers with his father and gave the phone back to Mr Sigler. I then left and called the lawyer He said it was ok to leave the papers with the father. I went back to the residence and left the papers with Mr Sigler.



Plaintiffs' Ex. 2

# CHARLESTON COUNTY Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

## - Billing Information -

Account: 00199324  
Tax Year: 2007  
Prior Year: NA  
Status: Current (Paid)  
Receipt: 2007-455548  
Previous Receipt: NA  
Next Receipt: NA  
Origin: 2  
Created: 08-10-2007  
Updated: 08-10-2007  
Billed: 08-10-2007  
Final Notice: NA  
Paid: 08-10-2007  
Actual Date: 08-10-2007  
Bad Check Date: NA  
Highway Letter Date: NA  
Bad Check Withdrawn: NA  
Appealed: NA  
Mail Return: NA  
Bankruptcy: NA

Assessment Source: O  
Base Assessment: 1030.00  
Exemption: NA  
Tax Relief: No  
Taxable Assessment: 1030.00  
Mills: x .1994  
Base Tax: 205.39  
Renewal Fee: + 0.00  
Credits: - 25.24  
Net Tax: 180.15  
Amount Paid: - 180.15  
Nulla Bona Amount: - 0.00  
Refund Amount: - 0.00  
Transfer Amount: - 0.00  
Current Due: 0.00  
Nulla Bona Receipt: NA  
Nulla Bona Date: NA  
Ref Check/Date: NA

## - Vehicle Information -

Year: 2006  
Make: NISS  
Model: XTERRA  
SCDOR Model: AN08U  
Weight: 40  
Body: SU  
Vehicle Type: 1  
VIN: 5N1AN08U76C55\*\*\*\*  
Beg. Tag Date: 08-2007  
Tag Expires: 08 2008  
Tag Months: 12  
Insurance Required: NA  
Suspended: NA  
Released: NA

## - Owner Information -

Principal Owner: FLATHMANN THOMAS MICHAEL  
Co-Owner: NA  
C/O: NA  
Tax District: 21  
Jurisdiction: 01

Tax Address: 626 BRIALEWOOD DR  
MT PLEASANT SC 29466  
Mail Address: 626 BRIDLEWOOD LN  
MT PLEASANT SC 29464

Selections

Credits

Main Menu

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